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U.S. DISTRICT COURT  
MID. DIST. TENN.

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

SHAWNELLAS BURGESS,

CASE NO. 3:2009-CV-00708

Plaintiff,

vs.

CAPITAL ONE BANK (USA), N.A.

Defendant.

**MOTION TO REFER THE CASE TO A MAGISTRATE JUDGE**

COMES NOW Shawnellias Burgess, Plaintiff acting on his own behalf, humbly requests that the Court refer the case to a Magistrate Judge pursuant to 28 U.S.C. § 636 and Rule 72 of the Federal Rules of Civil Procedure for decision on all pretrial, nondispositive motions; and a report and recommendation on any dispositive motions. In addition, the Magistrate Judge will set a target trial date. The Plaintiff offers the following in support:

1. A trial date has not been set.
2. This case was removed to this Court in July of 2009. It is fast approaching a year and many matters involving this case remain unresolved.
3. A dispositive motion was made in December 2009 and has not been ruled on.
4. In the interest of fairness to the parties involved.

Wherefore, the Plaintiff requests that the Court approve his Motion to Refer the Case to a Magistrate Judge.

*Shawnellias Burgess*

Shawnellias Burgess - Pro Se  
600 Whispering Hills Drive, B6  
Nashville, TN 37211  
615-775-5362

**CERTIFICATE OF SERVICE**

I hearby certify that on this 2nd day of April, 2010, a copy of the MOTION TO REFER THE CASE TO A MAGISTRATE JUDGE was mailed by first-class U.S. Mail to:

R. Dale Bay  
Lewis, King, Krieg & Waldrop, P.C.  
424 Church Street, Suite 2500  
Nashville, Tennessee 37219

*Shawnellias Burgess*  
Shawnellias Burgess - Pro Se

*ORDER  
This motion  
is DENIED  
Will  
4/5/10  
4-6-10*